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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,312	01/24/2002	Daryl S. Meredith	TN-1488	9558
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Adan Ayala, Esq. Black & Decker Inc. 701 E. Joppa Road, TW-199			EXAMINER	
			HAMILTON, ISAAC N	
Towson, MD 21286			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. Applicant(e)	'		66				
Examiner		Application No.	Applicant(s)				
Lasan Hamilton S724	Office Action Commence	10/056,312	MEREDITH ET AL.				
- The MALING DATE of this communication appears on the cover sheet with the c_rrespondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Betwellow of time mylb a valiable under the provisions of 3 CPR 1.136(a). In no event, however, may a reply be timely filled ### The period for reply specified above the less than thirty (30) days, a reply with the statutory reply daily great and equilibrium of hirty (30) says, will be considered timely. ### The period for reply specified above the less than thirty (30) days, a reply with the statutory period valiage and will deplied by (MONTHS from the maling date of this communication is second period from the replication of the replication of the replication is the second period from the replication of the communication is even if through flexit, may reduce any second period from adjustment. See 37 CPR 1.794(b). **Status** 1)	Oπice Action Summary	Examiner	Art Unit				
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) 3-24 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. Attachment(s)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	66(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-2, drawn to a miter saw with an idler gear.
 - II. Claims 3-17, drawn to a miter saw with a maximum distance between the blade and the upper guard being about 0.00353.
 - III. Claims 18-24, drawn to a miter saw with a first protrusion movably attached to the table.

The inventions are distinct, each from the other because:

- 2. Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as the arbor having a first mesh gear meshing with an idler gear, which meshes in turn with a second gear driven by the motor. Invention II has separate utility such as the maximum distance between the blade and the upper guard being about 0.00353. Invention III has separate utility such as a first protrusion movably attached to the table. See MPEP § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and the search required for Groups I, II or III is not required for each other Group and, restriction for examination purposes as indicated is proper.
- 4. During a telephone conversation with applicants representative, Mr. Adan Ayala, on April 30, 2003 a provisional election was made without traverse to prosecute the invention of

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Group I, claims 1-2. Affirmation of this election must be made by applicant in replying to this are

Office action. Claims 3-24/withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art in view of Grobbelaar (5,393,270). Applicant discloses on page 1, lines 7-20 all of the limitations in claims 1 and 2 except for an idler gear, which meshes in turn with a second gear that is driven by the motor via a belt. Grobbelaar teaches an idler gear 452, which meshes in turn with a second gear 448 that is driven by the motor 12 via a belt 50 in figure 7. It would have been obvious to provide an idler gear, which meshes in turn with a second gear that is driven by the motor via a belt in the applicant's admitted prior art as taught by Grobelaar in

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order to provide a safety mechanism, such as an idling mode of operation for the saw, to

disengage the turning of the blade while the motor is running.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. .

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The

examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to

reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on

703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application should be directed to

the receptionist whose telephone number is 703-308-1148.

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May 2, 2003

Allan N. Shoap

Supervisory Patent Examiner

Group 3700